

Nadler Urges Passage of Major Oil Spill Legislation

Friday, 30 July 2010

WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), a senior member of the House Transportation and Infrastructure and Judiciary Committees, urged passage of H.R. 3534, the Consolidated Land, Energy and Aquatic Resources Act (the CLEAR Act), which is now being considered on the House floor. The legislation, introduced in response to the catastrophic BP oil spill in the Gulf of Mexico, will increase safety, impose tougher oil drilling standards, increase accountability and eliminate liability caps, and reform federal oversight and contracting processes. Additionally, the bill includes a key provision, offered by Rep. Nadler, to ban the use of chemical dispersants in cleanup efforts until proven safe by the EPA.

"So far, over 1.8 million gallons of dispersant have been used in the Gulf, and people are getting sick - from the dispersants, from the oil, or from some mixture of the two," said Nadler. "The fact is that there is no scientific evidence that dispersants can be effective in an oil spill of this magnitude, and nobody can guarantee that they are safe. This bill requires the EPA to determine whether or not it's safe to use dispersants; and not just which one is the safest, but whether or not they're safe at all. In the meantime, we should not presume these toxic dispersants are safe, and we should not use the Gulf or anywhere else that suffers an oil spill as an experimental laboratory. I am very pleased that my amendment is included in the final bill before us today, and I thank Chairman Oberstar for his support and willingness to advance this critical public health and environmental protection."

Nadler delivered the following statement, as prepared, on the House floor:

"Madam Speaker, I rise in support of the Consolidated Land, Energy and Aquatic Resources Act of 2010 to respond to the BP oil spill in the Gulf of Mexico.

"There are many important provisions in this bill, such as the increased safety regulations for offshore oil rigs, the elimination of the liability cap and the inclusion of damages for human health in the Oil Pollution Act. In the interest of time, I want to focus my comments on the provisions dealing with the controversial use of toxic dispersants.

"This bill requires the EPA to do a new rulemaking procedure to establish baseline levels of toxicity and effectiveness that takes into account a study of the acute and chronic risks posed by the use of dispersants. Quite simply, the EPA should determine whether or not it's safe to use these dispersants. And not just which one is the safest, but whether or not they're safe at all. This is what should have been done in the first place, and it is important that we make sure it is done moving forward.

"I offered an amendment to the bill in the Transportation Committee to impose a moratorium on the use of these toxic dispersants until the rulemaking and study in the bill are complete. I am very pleased that my amendment is included in the final bill before us today, and I thank Chairman Oberstar for his support and willingness to advance this critical public health and environmental protection.

"The fact is there is no scientific evidence that dispersants can be effective in an oil spill of this magnitude, and nobody can guarantee they are safe. I have heard experts and agency officials argue the contrary. Well, if these dispersants really are safe, then there should be no problem proving so under the terms of the bill. In the meantime, we should not presume these toxic dispersants are safe, and we should not use the Gulf or anywhere else that suffers an oil spill as an experimental laboratory.

"The only thing dispersants seem to do is push the oil below the surface making it harder to see the damage and determine liability, and making it harder to boom and skim the oil off the surface. The only benefit seems to be for PR purposes.

"Dispersants simply shift the oil to another part of the ecosystem, while increasing the toxins in the Gulf, harming marine life, and contaminating the water column. In fact, researchers from Tulane and the University of Southern Mississippi have found evidence of dispersants in blue crab larvae from Louisiana to Florida indicating that it has already made its way into the food chain.

"So far, over 1.8 million gallons of dispersant have been used in the Gulf, and people are getting sick - from the dispersants, from the oil, or from some mixture of the two. There is already a name for the illness that plagues many of these people - toxicant-induced loss of tolerance, or TILT - in which you can no longer tolerate exposures to household chemical products, medication or even food. There are numerous reports of people being hospitalized, and several health experts are concerned that this is just the beginning. A group of fishermen has filed a class action lawsuit against BP and the dispersant manufacturer, and another personal injury lawsuit was just filed by Gulf Coast residents who have suffered adverse health effects from exposure to these toxins.

"As many of you know, I have been greatly concerned that we are repeating the same mistakes of 9/11 where thousands of responders and area residents are now sick after the failure of the federal government to provide adequate oversight or enforcement to prevent exposure to toxic chemicals. Luckily, in the case of the Gulf Oil Spill, BP is the clearly responsible party. However, it is up to us to ensure that BP and the dispersant makers are not allowed to evade liability or shift the cost to the taxpayers for any potential health effects. But more importantly, we must do everything we can to prevent people from getting sick in the first place.

"This bill makes significant progress to protect the safety and wellbeing of public health and the environment. I thank Chairman Oberstar and Chairman Rahall for their hard work and commitment to these issues. I urge all my colleagues to support the bill."